United Nations S/2004/327

Security Council

Distr.: General
27 April 2004
English
Original: French

Letter dated 26 April 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to express to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) the deep gratitude of the Republic for the untiring efforts being made by the Mission to restore peace in the Great Lakes region in general and in the Democratic Republic of the Congo in particular.

My Government, which wishes to draw the full attention of the Security Council to the situation prevailing in North Kivu and South Kivu and at the frontier with Rwanda, is grateful to MONUC for having confirmed on 21 April 2004 that soldiers of the Forces de Défense Rwandaise (FDR — regular Rwandan army) are still present in the territory of the Democratic Republic of the Congo, thus corroborating the numerous allegations — now justified — by the population of the provinces bordering on the Rwandese Republic and those made by the Government concerning this continuing presence, in flagrant violation of all the agreements and commitments signed between the Government of my country and that of Rwanda. It also takes this occasion to thank MONUC for the objectivity with which it is dealing with the situation between the Democratic Republic of the Congo and Rwanda.

My Government was glad to learn from MONUC that it has found no evidence locally of incursions by armed groups of the Forces Démocratiques pour la Libération du Rwanda (FDLR) from Congolese territory, but is especially concerned to learn from MONUC that FDR troops have been seen at Bunangana, in Rutshuru territory, in North Kivu.

My Government would like to remind the Security Council that it is complying with the declaration on Principles of Good-Neighbourly Relations of 25 September 2003, signed at the high-level meeting organized under the auspices of the Secretary-General of the United Nations in New York. In accordance with that declaration, my Government would like to assure the Security Council that it is in no way opposed to ongoing discussions with Rwanda and, to this effect, announce its complete willingness to continue to its conclusion, at both the bilateral and multilateral levels, the process of normalization initiated between our two countries in order to restore confidence and deal with the ingrained mistrust and suspicion born of several years of murderous aggressive warfare waged by neighbouring countries, including Rwanda.

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Indeed, my Government is firmly convinced of the virtues of dialogue, ongoing discussion and problem-solving by political and diplomatic means, which should be the ideal framework for the settlement of any dispute that may arise during the process of normalization between our two countries.

Moreover, my Government's concern is reinforced by the fear that another humanitarian drama could yet occur in the Congolese provinces still under occupation, although they have already endured enormous suffering and paid heavily for the criminal activism of the regular occupation armies and of the armed groups affiliated to them, whether or not they have signed the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo.

For this reason, my Government lodges the strongest protest at this renewed activity, also reported by MONUC, by soldiers of the Rwandan regular army deep inside Congolese territory. This presence is helping to exacerbate tension at the common frontier and may undermine the tenuous progress towards peace in the Great Lakes region.

My Government wishes to inform the Council that it has requested the Secretary-General of the United Nations to establish a fact-finding commission to study the latest developments in the region. It reiterates this request to the Security Council, if the principal organ of the United Nations responsible for international peace and security considers it still necessary, in order to corroborate the position of the Government, the Congolese population and MONUC.

In view of the foregoing, my Government requests an urgent meeting of the Security Council in order to:

1. Require Rwanda strictly to respect all the relevant resolutions of the Council on the situation in the Democratic Republic of the Congo;

2. Take the enforcement measures envisaged in Chapter VII of the Charter of the United Nations against the Rwandan Government, which is once again demonstrating that it is the only obstacle to the restoration of peace in the Great Lakes region;

3. Accelerate the implementation and enforcement of resolution 1533 (2004) of 12 March 2004 and particularly its paragraphs 10 to 13;

4. Request the Secretary-General to streamline the preparatory work for the International Conference on the Great Lakes Region in order to create all the prerequisites for its complete success.

The Council is also requested to take note of the attached announcement made on 26 April 2004 by the Government to the Embassies accredited to Kinshasa.

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

Annex to the letter dated 26 April 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

First let me thank you for having responded to my invitation today and apologize for the short notice given.

Once again, it is my unfortunate duty to call you away from your important responsibilities in order to speak to you, as front-line observers of the political process taking place both in my country and in the Great Lakes subregion, about developments that the Transitional Government considers to be extremely serious, in view of the challenges it is required to face.

On 12 April 2004, General James Kabarebe, the Chief of Staff of the Rwandan Army, submitted to the Commander of the MONUC Forces accusations that armed FDLR groups had made incursions into Rwandan territory from North and South Kivu, in particular at Gikorongo on 7 April, Gisenyi on 8 April and Ruhengeni on 9 April.

These allegations surprised the Congolese Government, since they were made several days afterwards and a high-level delegation from the Democratic Republic of the Congo was in Kigali until 8 April 2004 to attend the events commemorating the 1994 genocide but was never informed of any attacks by the Rwandan authorities.

Following these allegations, MONUC was asked to step up its verification operations in the provinces concerned, but has so far not confirmed that these incursions took place.

Quite the contrary: on 24 April, the Congolese Government was informed by a MONUC press release of the presence in Congolese territory of battalions of the Forces de Défense du Rwanda (FDR/Rwandan regular army), which its soldiers had encountered precisely in the vicinity of the frontier town of Bunagana, in the territory of Rutshuru, North Kivu, and which forced the soldiers to withdraw.

As soon as it was set up on 30 June 2003, the Transitional Government made the normalization of relations with its neighbours one of its priorities, together with other equally pressing challenges including reunification of the national territory, creation of an integrated and restructured national army and police and neutralization of the armed groups.

On many occasions, we have reaffirmed our commitment successfully to conclude the normalization process initiated with our neighbours and particularly those which were directly involved in the Congolese crisis, such as Rwanda and Uganda.

On many occasions also, we have provided evidence of this commitment to change the climate of mistrust and suspicion born of five years of mutual resentment and move on to peaceful and mutually advantageous relations.

As examples, I can mention the presence in Kigali of a strong Congolese delegation on the occasion of the investiture of the President of the Rwandese Republic, Mr. Paul Kagame, the working visit to Kinshasa of my Rwandan counterpart, Mr. Charles Murigande, the visit to Kigali of the Congolese Minister of Regional Cooperation, Mr. Mbusa Nyamwisi, and quite recently the presence in

Kigali of a strong Congolese delegation headed by the Vice-President of the Republic responsible for the Political, Defence and Security Commission, Mr. Ruberwa, on the occasion of the commemoration on 7 April 2004 of the tenth anniversary of the genocide.

I cannot fail to mention the numerous telephone contacts that I have always maintained with the Rwandan authorities, whenever the need arose.

Here I should like to remind you that, at the fifty-eighth session of the United Nations General Assembly in New York, our country joined Rwanda, Uganda and the other countries concerned in acceding to the Declaration on Principles of Good-Neighbourly Relations of 25 September 2003, at the initiative of the Secretary-General of the United Nations.

This Declaration of Principles was reaffirmed and strengthened at the Pretoria Summit of 27 November 2003, during which the two parties promised to work together for the restoration of relations of good-neighbourliness and peaceful cooperation between the two countries.

During our recent visit to Kigali from 6 to 8 April, we agreed with our Rwandan counterpart that experts from the two countries should meet as soon as possible to prepare the pending issues to be submitted to the next meeting at the ministerial level. Prominent among these issues were the practical arrangements to secure our respective frontiers with assistance from the international community, through MONUC.

Only recently, the Congolese Government welcomed hopefully and with great satisfaction the tripartite ministerial meeting between the Democratic Republic of the Congo, Rwanda and Uganda to be held at the beginning of May in Washington.

This gathering should provide a good opportunity for us to give new impetus to the ongoing normalization process and to involve the international community even more in the solution of the problems existing at the level of our subregion.

As you see, it is at a time when our Government is firmly committed to this course of peace and confidence-building among the countries of the subregion, and between Rwanda and the Democratic Republic of the Congo in particular, that we learn of the return of Rwandan soldiers on our territory, as confirmed by MONUC.

For the Transitional Government, the presence of these soldiers in the east of the Congolese territory is a flagrant violation by the Government of Rwanda of the undertakings freely given by our two countries.

In our view, this violation is an act of extreme gravity, likely to upset the normalization process under way between our two countries and to considerably undermine the Congolese people's confidence in the ability and willingness of the Rwandan authorities to restore the ties of trust and peaceful coexistence that formerly existed between our two peoples.

In view of the foregoing, the Congolese Government lodges a strong protest against what it considers to be a flagrant violation of its territorial integrity by Rwanda.

Faced with what appears to be a real threat to the integrity of its territory, the Congolese Government has instructed its Permanent Representative to the United

Nations to request the immediate convening of an urgent meeting of the United Nations Security Council in order to:

1. Require Rwanda to conduct an immediate and unconditional withdrawal of its troops from Congolese territory;

2. Ask Rwanda strictly to respect the commitments it has freely entered into, beginning with the declaration of 25 September 2003 on Principles of Good-Neighbourly Relations, adopted under the auspices of the Secretary-General, and the resolutions of the Pretoria Summit of 27 November 2003;

3. Require Rwanda strictly to respect all the relevant resolutions of the Security Council on the situation in the Democratic Republic of the Congo;

4. Take the enforcement measures envisaged in Chapter VII of the Charter of the United Nations against the Rwandan Government;

5. Accelerate the implementation and enforcement of resolution 1533 (2004) of 12 March 2004 and particularly its paragraphs 10 to 13.

The Congolese Government wishes, however, to state that, despite what appears to be a desire on the part of the Rwandan authorities to sabotage the normalization efforts under way, it remains true to its commitment to give preference to the methods of dialogue and discussion in the settlement of disputes that may arise between the two countries, with the guarantee of the international community.

Thank you.